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Attorneys for the Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, *et al.*,

Plaintiffs,

v.

FEDEX EXPRESS, a Delaware Corporation,

Defendant.

PATRICIA CALDWELL, *et al.*

Plaintiffs,

v.

FEDEX EXPRESS, a Delaware Corporation,

Defendant.

Case Nos.: C03-2659 SI; C 03-2878 SI

CLASS ACTION

**STIPULATION AND [PROPOSED] ORDER
RE: UNTIMELY CLAIMS**

1 WHEREAS, the Court granted final approval to the settlement of this action, and
2 approved the Consent Decree, on August 15, 2007;

3 WHEREAS, Section IX.D of the Consent Decree provides that Monitoring Counsel and
4 FedEx Express may jointly agree to modify the Decree in writing signed by both Monitoring
5 Counsel and FedEx Express;

6 WHEREAS, Section XXII.F of the Consent Decree provides that class members who seek
7 recovery of monetary compensation must complete a claim form and file it with the Claims
8 Administrator by the date set forth in the Preliminary Approval Order, which was August 1, 2007;

9 WHEREAS, Section XXII.I of the Consent Decree provides that class members who
10 submit untimely claim forms are not eligible for any monetary award;

11 WHEREAS, Section XXII.I of the Consent Decree, regarding Late-Filed Claims, does not
12 make any exception for claims that are late filed with good cause shown;

13 WHEREAS, the Parties agree that in certain extenuating circumstances, for good cause
14 shown, it would be beneficial to allow class members to file untimely claims;

15 WHEREAS, the Claims Administrator has informed the Parties that, in order to meet the
16 deadline set forth in Section XXII.J of the Consent Decree, which requires the Claims
17 Administrator to send written notice of ineligibility for monetary relief to all ineligible claimants
18 within ninety days of the close of claims filing period, untimely claims cannot be accepted after
19 October 1, 2007;

20 WHEREAS, the Claims Administrator has received, through October 1, 2007, 263
21 untimely claims, of which 31 untimely claimants provided some explanation for their lateness;

22 WHEREAS, the Parties have reviewed the untimely claims, and determined that there is
23 good cause shown for accepting the untimely claims of the following class members:

24 (1) Keith I. Shockley, who was serving in the United States Navy in Afghanistan and
25 therefore did not receive the claim form until after the claims filing deadline;

26 (2) Robert E. Montgomery, who was serving in the United States Army in Korea, and did
27 not return to the United States until July 30, 2007, and therefore did not receive and review his
28 mail and find the claim form until August 3, 2007, after the claims filing deadline;

(3) Noel Perez, who received the claim form after the claims filing deadline due to misdelivery by the United States Postal Service;

(4) Donn E. Desboine, who received the claim form after the claims filing deadline due to delay in forwarding by the United States Postal Service;

(5) Shentel T. Persons, who received the claim form after the claims filing deadline because it was originally sent to an outdated or incorrect address and returned undeliverable;

(6) Victor M. Cespedes, who received the claim form after the claims filing deadline because it was originally sent to an outdated or incorrect address and returned undeliverable;

(7) Stanley E. Barnett, who received the claim form after the claims filing deadline because it was originally sent to an outdated or incorrect address and returned undeliverable;

(8) Andre L. Lewis, who received the claim form after the claims filing deadline because it was originally sent to an outdated or incorrect address and returned undeliverable;

(9) Betty Muruato, who returned a claim form in July that was not received by the Claims Administrator;

THEREFORE, Monitoring Counsel and FedEx Express, hereby stipulate to modify the Consent Decree as follows, and request that the Court so order:

Section XXII.I of the Consent Decree is hereby modified by adding the following sentence: "Late claims post-marked after August 1, 2007, but received by the Claims Administrator on or before October 1, 2007, will be eligible for payment despite having been filed after the claims filing deadline, provided that FedEx and Monitoring Counsel concur that the claimant has demonstrated good cause for the untimely filing;"

THEREFORE, Monitoring Counsel and FedEx Express, hereby stipulate and agree that good cause has been shown for the late-filing of the following claims, and that those claims should be accepted by the Claims Administrator:

(1) Keith I. Shockley

(2) Robert E. Montgomery

(3) Noel Perez

(4) Donn E. Desboine

- (5) Shentel T. Persons
- (6) Victor M. Cespedes
- (7) Stanley E. Barnett
- (8) Andre L. Lewis
- (9) Betty Muruato.

Dated: October 10, 2007

By: /s/ James M. Finberg
James M. Finberg

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Monitoring Counsel

Dated: October 10, 2007

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Attorneys for the Defendant

ORDER

The Court having considered the foregoing stipulation, and good cause appearing
therefore,

IT IS SO ORDERED.

Dated: _____



The Hon. Susan Illston
United States District Judge